

House Judiciary Civil Practice Subcommittee Amendment No. 1

Amendment No. 1 to HB1814

Fowlkes
Signature of Sponsor

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1562*

House Bill No. 1814

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 19, Part 1, is amended by adding the following as an appropriately designated new section:

Section 66-19-105.

(a) Campgrounds substantially in the business of providing accommodations for recreational vehicles, as defined in § 55-50-102(41), shall be entitled to a lien upon all abandoned vehicles which lawfully come onto their premises. Such abandoned vehicles shall be retained in the campground owners' or managers' possession until all reasonable charges due are paid. A campground may, after sixty (60) days, enforce this lien in the manner prescribed for the enforcement of artisans' liens under §§ 66-14-102 - 66-14-106, except the campground shall only be required to advertise the sale of an abandoned vehicle one (1) time in a newspaper published in the place where the sale is to be held.

(b) A campground may collect any storage or related fees for any period of time in which a vehicle or associated equipment is abandoned upon the campground premises.

(c) The commissioner of commerce and insurance is authorized to promulgate rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, as compiled in title 4, chapter 5, to effectuate the purposes of this act.

(d) For purposes of providing notice to persons having an interest as provided in § 66-14-102, the campground shall notify any person that the campground:

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(1) Has actual notice of an interest; and,

(2) If the property is required to have a title, conduct a search request with the department of safety, or such other state where the vehicle license tag indicates it is registered, and in the case of property which is not titled as a motor vehicle, submit a search request for the filing of a security interest under the Uniform Commercial Code, compiled in title 47, chapters 1-9, with the secretary of state and, in the state that is the apparent resident of the owner of the property, if other than Tennessee. The campground owner shall send, by certified mail, return receipt requested, notice of intent to enforce the lien to all known owners, all known interested parties, and to any other or interested party discernable through reasonable effort as provided in this subsection. For purposes of notice, there shall be a rebuttable presumption of reasonable inquiry and notice to interested parties, if the inquiry and notice provided in this subsection is fulfilled.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.